

**IN THE UNITED STATES DISTRICT COURT
FOR THE DELAWARE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 05-486 (GMS)
	:	
THE TORO COMPANY,	:	
	:	
Defendant.	:	

NOTICE OF VIDEOTAPED DEPOSITION OF DONALD LACKNER

To: The Toro Company and its attorneys:

Anthony R. Zeuli
MERCHANT & GOULD
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Richard L. Horwitz
David E. Moore
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899-0951

PLEASE TAKE NOTICE that Plaintiff, Textron Innovations Inc., will take the deposition by oral examination of Donald Lackner is commencing on **February 27, 2007**, beginning at **9:00 a.m.** at the offices of Hunton & Williams 1900 K Street, N.W. Washington DC 20006 or at some other place mutually agreed upon by counsel.

Said deposition will be taken by stenographic and videographic means before a notary public and will continue from day to day as necessary until completed.

This Notice serves as formal notice of the deposition informally notices on

February 12, 2007.

Dated: February 14, 2007

By:



Edmond D. Johnson (DE Bar #2257)

Thomas H. Kovach (DE Bar #3964)

PEPPER HAMILTON LLP

Hercules Plaza, Suite 5100

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OF COUNSEL:

Scott L. Robertson

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Attorneys for Plaintiff

TEXTRON INNOVATIONS INC.

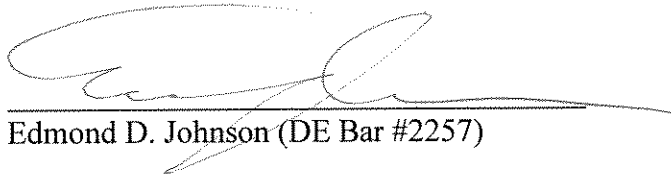
CERTIFICATE OF SERVICE

I Edmond D. Johnson, hereby certify that on February 14, 2007 a true and correct copy of the foregoing Notice of Service was served via CM/ECF, upon the following:

Richard L. Horwitz, Esquire
David E. Moore, Esquire
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899-0951

Via Electronic Mail upon the following:

Earl D. Reiland, Esquire
Thomas R. Johnson, Esquire
Thomas J. Leach, Esquire
MERCHANT & GOULD P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402



Edmond D. Johnson (DE Bar #2257)